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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CITY OF EDMONDS,

10 Plaintiff,

11 v.

12 DARY GAIL RIEDLINGER,

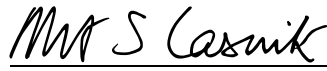
13 Defendant.

No. C17-225RSL

ORDER DENYING MOTIONS FOR
RELIEF FROM ORDER OF
REMAND

14 This matter comes before the Court on defendant's "Motion to Vacate Order to Remand
15 Case," Dkt. # 17, and defendant's "Motion for Relief from Order of Remand," Dkt. # 18. The
16 Court DENIES these motions. Defendant asks the Court to void its order of remand, Dkt. # 11,
17 on the grounds that the order constitutes fraud. This contention is meritless. As the Court has
18 already explained, see Dkt. # 11, federal jurisdiction cannot be based on actual or anticipated
19 defenses, Vaden v. Discover Bank, 556 U.S. 49, 60 (2009). Defendant's claim that his traffic
20 citation violates his First Amendment rights is a defense to that citation, and so it cannot form
21 the basis for federal jurisdiction and removal. See Louisville & Nashville R. Co. v. Mottley, 211
22 U.S. 149, 152 (1908). And claiming that defendant's rights were violated does not suffice to
23 demonstrate that the state courts are incapable of vindicating defendant's rights such that
24 removal is warranted under 28 U.S.C. § 1443. Remanding on these bases is not fraud, but rather
25 a straightforward application of the federal jurisdiction statutes. Defendant's motions are
26 DENIED.
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2 DATED this 31st day of March, 2017.
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5 Robert S. Lasnik
6 United States District Judge
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